

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

In Re: The Newport Creamery Inc. :

BK No.: 01-13196

Debtor(s) : Chapter

Motion for Relief from Stay  
By: FORD MOTOR CREDIT COMPANY  
AS TO THE 1999 MERCURY SABLE VIN#1MEFM53S4XA663261

**SUMMONS, NOTICE TO FILE JOINT  
PRETRIAL ORDER, AND  
NOTICE OF TRIAL**

To the above-named defendant:

You are hereby summoned AND REQUIRED TO SERVE upon Lynda L. Laing, the movant's attorney, whose address is: 403 South Main Street, Providence, Rhode Island 02903

An OBJECTION OR AN ANSWER to the MOTION which is herewith served upon you, ON OR BEFORE 11-8-01 AND TO FILE THE OBJECTION OR ANSWER WITH THIS COURT, IF YOU FAIL TO DO SO, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU for relief demanded in the motion.

YOU ARE HEREBY NOTIFIED THAT IN ACCORDANCE WITH 11 U.S.C. §362(e), A PRELIMINARY HEARING WITH RESPECT TO THIS MOTION HAS BEEN SET FOR 11-15-01 at 9:30 o'clock 9. m., at 380 Westminster Mall, Sixth Floor, Providence, Rhode Island 02903.

Any attorney who is not admitted to practice in the U.S. District Court for the District of Rhode Island must obtain pro hac vice admission pursuant to LBR 9010-1(b) and must have local counsel enter an appearance at least 5 days before the hearing. See LBR 9010-1(c).

A JOINT PRETRIAL ORDER IS REQUIRED TO BE FILED NO LATER THAN 3 BUSINESS DAYS BEFORE THE PRELIMINARY HEARING DATE AND IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN LOCAL BANKRUPTCY RULE 9014-1(c).

\*\*\*\*FAILURE TO TIMELY FILE THE JOINT PRETRIAL ORDER WILL RESULT IN THE COURT'S DENIAL, WITHOUT PREJUDICE, OF THE MOTION FOR RELIEF FROM STAY AND THE ABOVE HEARING DATE WILL BE AUTOMATICALLY VACATED. A NEW MOTION AND FILING FEE WILL BE REQUIRED TO REINITIATE THIS MATTER. \*\*\*\*

SUSAN M. THURSTON, CLERK  
U.S. BANKRUPTCY COURT

By: Patrice A. Moone  
Deputy Clerk

[seal of the U.S. Bankruptcy Court]  
Date of issuance: 10-25-01

THE PLAINTIFF MUST SERVE THIS SUMMONS, TOGETHER WITH THE MOTION ON THE DEFENDANT(S) AND ALL PARTIES HOLDING ANY INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THIS MOTION. IF THEREAFTER CONTESTED, IT MUST SERVE THE INITIAL DRAFT OF THE JOINT PRE-TRIAL ORDER ON DEFENDANT(S).

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**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND**

**IN RE:           The Newport Creamery Inc.  
                  Debtor**

**Case No.: 01-13196  
              Chapter**

**MOTION AND MEMORANDUM FOR RELIEF FROM STAY**

Ford Motor Credit Company, through its attorneys, respectfully states as follows:

1. This is a motion pursuant to 11 U.S.C. §362(d) and Bankruptcy Rule 4001 for relief from the automatic stay.
2. On June 25, 2001, debtor filed a petition for relief under Chapter 7 of the Bankruptcy Code.
3. Ford Motor Credit Company is the owner of 1999 Mercury Sable with a VIN #1MEFM53S4XA663261 as provided in Exhibit A (certificate of title).
4. On September 21, 1999, debtor entered into a Net (Closed End) lease with Ford Motor Credit Company to lease a 1999 Mercury Sable with a VIN # 1MEFM53S4XA663261 as provided in Exhibit B (closed end lease).
5. The debtor has defaulted on its obligations under the lease and Ford Motor Credit Company is entitled to pay the term of said lease to retake possession of the vehicle but 11 U.S.C. §362(a) prevents Ford Motor Credit Company from exercising this or other remedies available to it.
6. The debtor is in possession of said vehicle.
7. The indebtedness secured thereby exceeds \$12,419.55 and said indebtedness is now due and owing in full.

FILED OCT 26 2001 11:47 AM

Debt Collection Practices Act, please note that this communication is an attempt to collect a debt and any information obtained during the pendency hereof will be used for that purpose.

Unless you notify this office, in writing, within thirty (30) days after being served herewith, that you dispute the validity of the debt stated herein or any portion thereof, this office will assume that the subject debt is valid. If you notify this office, in writing, within thirty (30) days after being served herewith that you dispute the validity of the debt stated herein or any portion thereof, this office will obtain verification of the debt or obtain a copy of the judgment and mail the same to you. If you so request, in writing, that this office do so within thirty (30) days after being served herewith, this office will provide you with the name and address of the original creditor, if different from the current creditor.<sup>1</sup>

Please be advised, however, that the automatic stay as provided for in 11 U.S.C. §362 remains in effect, unless modified by Court Order, and the preceding notice concerning the Federal Fair Debt Collection Practices Act is given for the sole purpose of compliance with the Federal Fair Debt Collection Practices Act.

WHEREFORE, Ford Motor Credit Company prays that this Court modify the stay, to permit Ford Motor Credit Company to foreclose its said security interest, and that Ford Motor Credit Company have such other and further relief, as this Court deems appropriate.

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<sup>1</sup> Please take notice that this Motion has been set for hearing and served pursuant to governing Local Rules of Practice.

FORD MOTOR CREDIT COMPANY  
By their attorneys,  
STRAUSS, ~~FACTOR~~, LAING & LYONS



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Lynda L. Laing #3082  
403 South Main Street  
Providence, RI 02903  
Tel No.: (401) 456-0700  
Fax No.: (401) 421-4730

Dated: October 26, 2001

CERTIFICATION

See Attached Exhibit A.

I hereby certify that I mailed a true copy of the motion for relief from stay to the above mentioned on October 26, 2001.

---

Lynn Morrison

US Trustee  
10 Dorrance Street, Room 915  
Providence, RI 02903

The Newport Creamery, Inc.  
208 West Main Street  
Middletown, RI 02842

Kevin A. McKenna, Esq.  
23 Acorn Street  
Providence, RI 02903

Dominic L. Massari, III, Esq.  
601 S. Fremont Avenue  
Tampa, FL 33606

Andrew Richardson, Esq.  
182 Waterman Street  
Providence, RI 02906

Allan M. Shine  
Winograd, Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

Alliant Foodservice, Inc.  
C/o Gary M. Freedman, Esq.  
919 Ingraham Bldg.  
25 Southeast Second Avenue  
Miami, FL 33311

America House Communications  
C/o Barbara S. Cohen, Esq.  
10 Weybosset Street  
Providence, RI 02903

Beacon Mutual Insurance Co.  
C/o Charles A. Lovell, Esq.  
180 South Main Street  
Providence, RI 02903

James Milbe, E. Gonda, A. Rodriguez  
C/o David Boggs, Esq.  
Macfarlane Ferguson & McMullen  
P.O. box 1531  
Tampa, FL 33601

TriMark United East, Inc.  
C/o Barbara S. Cohen, Esq.  
10 Weybosset Street  
Providence, RI 02903

E. Pearson and K. Pearson  
C/o Joseph H. Baldiga, Esq.  
Mirick O'Connell DeMallie & Lougee  
100 Front Street  
Worcester, MA 01608

Acadia Realty Trust  
C/o Robert Masters, Esq.  
20 Soundview Marketplace  
Port Washington, NY 11050

CPG Partners, LP  
C/o Warren J. Martin, Jr., Esq.  
One Speedwell Avenue  
P.O. Box 1981  
Morristown, NJ 07962

Northeast Distributors, Inc.  
C/o William J. O'Brien, Jr., Esq.  
74 Evergreen Court  
South Kingston, RI 02879

Massachusetts Electric Co.  
C/o John P. McCoy, Esq.  
Carroll, Kelly & Murphy  
One Turks Head Place, Ste. 400  
Providence, RI 02903

Narragansett Electric Co.  
C/o John P. McCoy, Esq.  
Carroll, Kelly & Murphy  
One Turks Head Place, Ste. 400  
Providence, RI 02903

Ford Credit Titling Trust  
C/o Larry M. Foyle, Esq.  
Kass Shuler Solomon et al  
P.O. Box 800  
Tampa, FL 33601

WCC Realty, LLC  
C/o Richard W. Epstein, Esq.  
Greenspoon Marder Hirschfield et al.  
Trade Center South, Ste. 700  
100 West Cypress Creek Road  
Fort Lauderdale, FL 33309

Warwick Mall Trust  
Douglas B. Rosner, Esq.  
Goulston & Storrs, PC  
400 Atlantic Avenue  
Boston, MA 02110

524 Commonwealth Av. Ltd. Partnership  
c/o Daniel B. Greenberg, Esq.  
Wilson & Orcutt, PC  
201 Great Road  
Acton, MA 01720

Coca-Cola Company  
James M. Koelmay, Jr., Esq.  
Coca-Cola Fountain  
P.O. Box 105037  
Atlanta, GA 30348-5037

Ferris Realty  
C/o Gary P. Howayeck, Esq.  
10 Purchase Street, 5<sup>th</sup> Floor  
Fall River, MA 02720

Investigator Robert M. Lang  
US Department of Labor  
JF Kennedy Federal Bldg., Rm 575  
Boston, MA 02203

OTR Limited Partnership  
Deena Christelis Ethridge, Esq.  
Mintz Levin Cohn Ferris et al.  
One Financial Center  
Boston, MA 02111

Elmwal Associates, LLC  
Peter Brent Regan, Esq.  
130 Bellevue Avenue, Unit 2  
Newport, RI 02840

George Gould, Trustee  
C/o Sherrill Gould, Esq.  
311 Great Road  
Box 752  
Littleton, MA 01460

G.E. Capital  
C/o Peter J. Furness, Esq.  
One Citizens Plaza  
Providence, RI 02903

Greenwich Main LLC  
C/o William J. O'Brien, Esq.  
74 Evergreen Court  
S. Kingstown, RI 02879

Town of Coventry  
C/o Patrick J. Sullivan, Esq.  
475 Tiogue Avenue, Ste. 3  
Coventry, RI 02816

Conn. Dept. of Rev. Services  
C/o Joan Pilver, Asst. Atty. General  
P.O. Box 120  
55 Elm Street, 5<sup>th</sup> Floor  
Hartford, CT 06141

Bank Rhode Island  
C/o Joseph DiOrio, Esq.  
Holland & Knight  
One Financial Plaza  
Providence, RI 02903

Gemma Capalbo  
C/o John Levanti, Esq.  
P.O. Box 304  
Westerly, RI 02891

Joseph McElaney  
C/o Joseph Avanzato, Esq.  
Adler Pollock & Sheehan  
2300 Financial Plaza  
Providence, RI 02903

524 Commonwealth Ave. Ltd. Ptnrship  
c/o Joseph P. Carroll, Esq.  
68 Cumberland Street, Ste. 203  
Woonsocket, RI 02895

A.C. Petersen Farms, Inc.  
C/o Joseph Avanzato, Esq.  
Adler Pollock & Sheehan  
2300 BankBoston Plaza  
Providence, RI 02903

All Star Dairy Associates  
C/o Mark Wallick, Esq.  
51 Jefferson Boulevard  
Warwick, RI 02888

Autocrat, Inc.  
C/o Richard Mittleman, Esq.  
56 Exchange Terrace  
Providence, RI 02903

Bellevue Shopping Center Associates  
C/o William Delaney, Esq.  
Armstrong Gibbons & Gnyes  
155 South Main Street  
Providence, RI 02903

Belmont Fruit Co.  
C/o Allan M. Shine, Esq.  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

Belmont Shoppers Park  
C/o Allan M. Shine  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

Leland B. Goldberg  
Resolution Capital Corp.  
200 Highland Avenue, 3<sup>rd</sup> Floor  
Needham, MA 02494

Keith D. Lowey  
Verdolino & Lowey  
124 Washington Street  
Foxboro, MA 02035

The Newport Creamery, Inc.  
208 West Main Street  
Middletown, RI 02842

Peter Scotti, Esq.  
256 Hope Street  
Providence, RI 02906

Wynding Hill Limited Partnership  
528 Pequot Avenue  
New London, CT 05320

Robert N. Waldman  
56 Aquarius Drive  
Warwick, RI 02889

Blue Cross/Blue Chip  
C/o Allan Shine, Esq.  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

Blue Moon Industries  
C/o Allen Shine, Esq.  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

Braman Chemical Co.  
C/o Marc Wallick, Esq.  
51 Jefferson Boulevard  
Warwick, RI 02888

Brewster Wallcoverings/Muraspec  
C/o Allan Shine, Esq.  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

Edward Capalbo  
C/o John Levanti, Esq.  
16 High Street  
P.O. Box 304  
Westerly, RI 02891

Citizens Bank  
C/o Donald J. Lally, Jr., Esq.  
VanCoughen & Lally  
19 Oak Street  
Wakefield, RI 02879

Clear Lam Packaging  
C/o Allan Shine, Esq.  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

Commonwealth of MA  
C/o Genevieve M. Martin  
Asst. Atty General  
RI Dept. of Attorney General  
150 S. Main Street  
Providence, RI 02903

Commonwealth of MA  
C/o Gerald D'Avolio, Jr.  
Asst Atty General  
Insurance Division  
200 Portland Street, 4<sup>th</sup> Floor  
Boston, MA 02114

County Road Realty Corp.  
C/o Stephen DeLeo, Esq.  
328 High Street  
Bristol, RI 02809

Core Business Technologies  
C/o Marc Wallick, Esq.  
51 Jefferson Boulevard  
Warwick, RI 02888

Cumberland Farms, Inc.  
C/o W. Mark Russo  
Ferrucci Russo PC  
49 Weybosset Street  
Providence, RI 02903

E.B. Thompson Food  
C/o Marc Wallick, Esq.  
51 Jefferson Boulevard  
Warwick, RI 02888

Ferranti Enterprises  
C/o Allan Shine, Esq.  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

GRC Corporation  
C/o Matthew Sgambettera  
Deily Dautel & Mooney  
8 Thurlow Terrace  
Albany, NY 12203

Garelick Farms  
C/o Allan Shine, Esq.  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

Goode Management, Inc.  
C/o Thomas E. Carlotto, Esq.  
Shechtman Halperin Savage  
86 Weybosset Street  
Providence, RI 02903

Gooding Realty Corporation  
C/o Stephen DeLeo  
328 High Street  
Bristol, RI 02809

Guida-Seibert Dairy Company  
C/o Allan Shine, Esq.  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

Jane Realty Co.  
C/o Lisa Geremia, Esq.  
Geremia & DeMarco  
99 Wayland Avenue  
Providence, RI 02906

Jane Realty Co.  
C/o Philip Silverman, Esq.  
1000 Plain Street  
Marshfield, MA 02050

LMA, LLC  
C/o Paul Bogosian, Jr., Esq.  
Moore & Bogosian  
32 Custom House Street  
Providence, RI 02903

LRF, Inc.  
C/o Richard Mittleman, Esq.  
Cameron & Mittleman  
56 Exchange Terrace  
Providence, RI 02903

M & S Cleaning Services Inc.  
C/o Van Hayhow  
923 Washington Street  
South Attleboro, MA 02703

Main Block Associates  
C/o Mark Block  
O'Brien Shafner Stuart Kelly et al.  
P.O. Box 310  
Norwich, CT 06360

Martin Olsen Irrevocable Trust  
C/o Mark Block  
O'Brien Shafner Stuart Kelly et al.  
P.O. Box 310  
Norwich, CT 06360

Mystic Valley Associates  
C/o Scott Spear, Esq.  
Blish & Cavanagh  
30 Exchange Terrace  
Providence, RI 02903

Nationwide Life Annuity  
Nationwide Life Insurance  
Kevin Graham  
Shumaker, Loop & Kendrick  
P.O. Box 172609  
Tampa, FL 33672

Nationwide Life Insurance Company  
C/o Paul Bogosian, Jr., Esq.  
Moore & Bogosian  
32 Custom House Street  
Providence, RI 02903

Nelmor Realty Corp.  
C/o Andrew Sholes  
1375 Warwick Avenue  
Warwick, RI 02888

NewHart, LP  
C/o Kevin McKenna  
23 Acorn Street  
Providence, RI 02903

Newburg, LP  
C/o Kevin McKenna  
23 Acorn Street  
Providence, RI 02903

Offtech, Inc.  
C/o Allan Shine, Esq.  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

PREIT-Rubin, Inc.  
C/o Jeffrey Kurtzman, Esq.  
Klehr Harrison Harvey et al.  
260 South Broad Street  
Philadelphia, PA 19102

Perkins Paper  
C/o Allan Shine, Esq.  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

Poyant Signs, Inc.  
C/o Allan Shine, Esq.  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

R.D. Woonsocket Associates  
C/o Charles A. Pisaturo, Jr., Esq.  
58 Weybosset Street  
Providence, RI 02903

Roch's Fruit & Produce Co., Inc.  
C/o Marc Wallick, Esq.  
51 Jefferson Boulevard  
Warwick, RI 02888

Rocomi Enterprises  
C/o Kevin McKenna  
23 Acorn Street  
Providence, RI 02903

State of RI – Attorney General  
C/o Genevieve Martin  
Asst Atty General  
150 South Main Street  
Providence, RI 02903

State of RI – Taxation  
Bernard J. Lemos  
One Capitol Hill  
Providence, RI 02908

Robert E. Swain  
C/o Kevin McKenna  
23 Acorn Street  
Providence, RI 02903

W.W. Grainger, Inc.  
C/o Allan Shine, Esq.  
Winograd Shine & Zacks  
123 Dyer Street  
Providence, RI 02903

Warwick Mall  
C/o William Delaney, Esq.  
Armstrong Gibbons & Gnys  
155 South Main Street  
Providence, RI 02903

Warwick Mall, LLC  
Christine Lynch, Esq.  
Goulston & Storrs  
400 Atlantic Avenue  
Boston, MA 02110

Warwick Mall, LLC  
Stephen Rodio, Esq.  
Rodio & Brown  
91 Friendship Street  
Providence, RI 02903